

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOMINIQUE RAMSEY and TRAVIS
SAMMONS,

Plaintiffs,
v.

Case Number 20-13124
Honorable David M. Lawson

DAVID RIVARD,

Defendant.

/

ORDER REGARDING MOTIONS IN LIMINE

This matter is before the Court on several motions *in limine* filed by the parties in advance of trial. The Court has reviewed the submissions of the parties and heard oral argument on November 7, 2024. During the hearing, the Court announced from the bench its rulings on the motions.

Accordingly, it is **ORDERED** that the plaintiffs' motion *in limine* relating to state court rulings (ECF No. 122) is **GRANTED** for the reasons stated on the record. Evidence concerning the state supreme court's ruling and the grounds for that ruling will be **ADMITTED**, but evidence and argument relating to decisions by the state trial court and intermediate appellate courts is **EXCLUDED**.

It is further **ORDERED** that the plaintiffs' motion *in limine* to exclude DyJuan Jones's 2024 conviction for evidence tampering for impeachment (ECF No. 123) is **DENIED**.

It is further **ORDERED** that the plaintiffs' motion *in limine* relating to evidence and argument about guilt or probable cause (ECF No. 124) is **GRANTED IN PART**. Evidence about the circumstances leading to the arrest and identification procedure will be **ADMITTED** for the limited purpose of establishing a narrative context for the investigation, but argument to the effect

that probable cause existed for an arrest or prosecution or that the existence of probable cause has a bearing on the defendant's liability will be **EXCLUDED**.

It is further **ORDERED** that the plaintiffs' motion *in limine* regarding plaintiff Travis Sammons's convictions for firearm possession and current incarceration (ECF No. 125) is **GRANTED IN PART AND DENIED IN PART**. Evidence that plaintiff Sammons currently is incarcerated will be **ADMITTED**, but information about the reason for his incarceration and nature and circumstances of the underlying convictions will be **EXCLUDED**. The defendant will not be permitted to ask about how or why the plaintiff came to be reincarcerated.

It is further **ORDERED** that the plaintiffs' motion *in limine* regarding police reports (ECF No. 126) is **GRANTED IN PART**. Police reports containing accounts of witness statements will be **EXCLUDED**. The Court will consider admissibility of other portions of the reports in the context of the record at trial if a proper foundation is laid, and appropriate contemporaneous objections will be entertained.

It is further **ORDERED** that the plaintiffs' motion *in limine* regarding the prosecutor's approval of the show-up procedure (ECF No. 129) is **GRANTED**. Evidence about the defendants' discussion of the show up procedure will be **ADMITTED** for the limited purpose of establishing a narrative context for the occurrence, but any argument that former defendant Gaertner's approval of the show up procedure has a bearing on defendant Rivard's liability will be **EXCLUDED**.

It is further **ORDERED** that the defendant's omnibus motion *in limine* (ECF No. 128) is **GRANTED IN PART** for the reasons stated on the record. The plaintiffs' exhibits comprising "agree/disagree" forms (Exhibits 2-7, and 23) may not be introduced as substantive evidence during the plaintiffs' case in chief, but the documents may be employed for impeachment as needed. The request to exclude the plaintiffs' exhibits consisting of police practices training

materials and policy publications and the Michigan Police Ethics Code is **DENIED WITHOUT PREJUDICE**. The documents may be offered subject to the establishment of an appropriate foundation, and appropriate contemporaneous objections will be entertained. The materials shall not be used or referred to during opening statements.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 7, 2024